

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Thomas S. Resch

(b) County of Residence of First Listed Plaintiff **Palm Beach Cty., FL**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Scott M. Pollins, Pollins Law, 303 W. Lancaster Ave., Ste.
1C, Wayne, PA 19087, 610-896-9909

DEFENDANTS

Sugarhouse HSP Gaming, L.P. d/b/a Rivers Casino
Philadelphia f/k/a Sugarhouse Casino

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Elizabeth A. Malloy - Cozen O'Connor

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

ADEA

Brief description of cause:

Termination of employment due to retaliation/age discrimination

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
Unliquidated

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

01/06/2021

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Delray Beach, Florida
 Address of Defendant: 1001 North Delaware Avenue, Philadelphia, PA
 Place of Accident, Incident or Transaction: 1001 North Delaware Avenue, Philadelphia, PA

RELATED CASE, IF ANY:

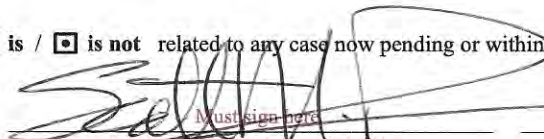
Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 01/06/2021


 Must sign here
 Attorney-at-Law / Pro Se Plaintiff

PA76334

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases

(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): _____

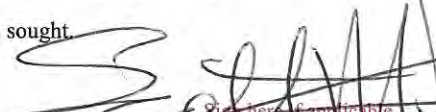
ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Scott M. Pollins, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☒ Relief other than monetary damages is sought.

DATE: 01/06/2021


 Must sign here if applicable
 Attorney-at-Law / Pro Se Plaintiff

PA76334

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THOMAS S. RESCH	:	
Plaintiff	:	CIVIL ACTION NO.
v.	:	
SUGARHOUSE HSP GAMING, L.P.	:	
d/b/a RIVERS CASINO PHILADELPHIA:	:	JURY TRIAL DEMANDED
f/k/a SUGARHOUSE CASINO	:	
Defendant	:	

COMPLAINT

I. INTRODUCTION

1. Plaintiff, Thomas S. Resch (TResch), brings this action under the Age Discrimination in Employment Act (ADEA) and the Pennsylvania Human Relations Act (PHRA) against his former employer, Defendant, Sugarhouse HSP Gaming, L.P. d/b/a Rivers Casino Philadelphia f/k/a Sugarhouse Casino (Rivers). TResch seeks back pay, front pay in lieu of reinstatement, loss of earnings capacity, compensatory damages (under the PHRA only), liquidated damages (under the ADEA only), interest, negative tax consequence damages, injunctive relief, and attorney's fees and costs.

II. JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343 and the ADEA. Furthermore, Rivers' conduct violated the PHRA, and the pendant jurisdiction of this Court is invoked to remedy those violations.

3. Venue is proper as TResch worked at Rivers, which is located in the Eastern District of Pennsylvania.

4. TResch exhausted all remedies available to him as set forth in the ADEA by timely filing a complaint with the Equal Employment Opportunity Commission (EEOC) and dually filing with the Pa. Human Relations Commission (PHRC). The EEOC issued

a notice of right to sue on October 14, 2020 and this Complaint is filed within 90 days of that date.

III. PARTIES

5. TResch resides in Delray Beach, FL and he is currently 73 years of age.

6. Rivers is a gambling casino located at 1001 North Delaware Avenue, Philadelphia, PA. Rivers also has casinos in Pittsburgh, Des Plaines, IL and Schenectady, NY.

7. At all material times hereto, Rivers acted through its employees, agents, and/or representatives who were acting within the course and scope of their employment and authority.

IV. FACTUAL BACKGROUND

8. TResch is a professional poker dealer with experience dealing at two World Series of Poker (WSOP) events and multiple casinos in the Philadelphia area.

9. TResch applied to be a poker dealer at Rivers Casino in about March 2018, February 2019 and again in July/August 2019. As of about October 2019, Sugarhouse Casino became known as Rivers Casino Philadelphia.

10. Each time TResch auditioned to be a poker dealer he was not hired.

11. After not being hired for at least the third time over the past year and a half or so and in about August/September 2019, TResch spoke with Aaron Harvey, who upon information and belief is the hiring manager at Rivers Casino. Mr. Harvey told TResch it was not his final decision and he did not understand why Rivers did not hire him.

12. TResch periodically played poker at Rivers and he noticed that the poker dealers appeared to be much younger than him. He became concerned that Rivers was not hiring him because of age discrimination.

13. TResch decided to go to Rivers and speak with Tom Bates, who is the poker room manager.

14. TResch spoke with Mr. Bates in about October 2019. He told Mr. Bates that Rivers repeatedly not hiring him is a case of age discrimination. TResch told Mr. Bates his performance is good and his experience and skill are definitely good enough to deal poker at Rivers. He told Mr. Bates that he was considering filing a complaint of age discrimination with the EEOC. Mr. Bates denied that Rivers was not hiring TResch due to age discrimination. After TResch spoke with Mr. Bates, he saw Mr. Harvey and told him what he had discussed with Mr. Bates. Mr. Harvey told TResch 'we'll see where it goes'.

15. Several weeks later, Mr. Harvey called TResch and informed him that Rivers had openings for poker dealers, and he should come in.

16. TResch was surprised to receive such a call because Rivers had repeatedly refused to hire him, and he had not re-applied to work there since he spoke with Mr. Bates a few weeks prior. Nevertheless, TResch wanted to work as a poker dealer at Rivers so he attended a new employee orientation on December 10 and 11, 2019.

17. TResch's first day working at Rivers was 12/20/19. His shift started at 10pm. Prior to his first day, he called Mr. Harvey and asked him whether he would have an overview of what to expect. Mr. Harvey told TResch to come in a half hour early on his first night of work, which is what TResch did on 12/20.

18. When TResch came in early on his first night of work on 12/20, he saw shift manager Mike Ricci. He told him to go see Andrew, who was the floor person. He asked Andrew how the BRAVO system worked. The BRAVO system is a new touch screen system used by Rivers at its poker tables. TResch wanted to be familiar with how to use the new BRAVO system before he started dealing so he would be efficient from the beginning. Andrew told TResch 'Thomas, you ask way too many questions. It's not that difficult, just get in there and deal and you will figure it out.'

19. TResch worked on 12/20, 12/21 and 12/26. Each night he worked he asked for an employee identification or swipe card which was supposed to be issued to all new employees. Each night he was told that they would get him the swipe card but he never received one. In fact, on the night of 12/26 he was told that he was not in Rivers' system yet.

20. TResch did not understand why Rivers did not issue him a swipe card because Rivers had already issued an employee swipe card to the two younger poker dealers who started at the same time he did, Erin and Wayne (both are in their 30's, do not know their last names).

21. When TResch showed up for work on 12/27/19, Mr. Ricci came out of the office and asked to see him. He then took TResch to the office where a table games manager was waiting. Mr. Ricci told TResch he was being terminated. Mr. Ricci said he was only the messenger and if TResch had any questions that he should speak with Mr. Bates tomorrow.

22. The next day on 12/28 TResch called and spoke with Mr. Bates. Mr. Bates told TResch that he did not perform up to expectations. Mr. Bates told TResch that he

only dealt 9-12 hands per shift (30 minutes) and he needed to deal 15-17 hands per shift. TResch told Mr. Bates that nobody said anything to him about dealing too slowly. He told Mr. Bates that poker players take time to make their bets, especially at high stakes games like he was dealing for. TResch told Mr. Bates that he had no warning. TResch told Mr. Bates that not only did Rivers not give him a 90 day probationary period they did not even give him a 90 hour probationary period. TResch told Mr. Bates that he thinks when he told Mr. Bates that he was going to file an age discrimination case with the EEOC that Mr. Bates did his due diligence and then pulled the plug on him.

23. Upon information and belief, Rivers has never hired a poker dealer and fired them after only three days of work without any verbal or written warning or doc. coaching for dealing too slowly.

24. Upon information and belief, Rivers did not summarily terminate after only three days of employment any poker dealers who were substantially younger than TResch due to dealing too slowly.

25. Rivers hired TResch to avoid him filing an age discrimination claim. Rivers never intended to actually keep him on as an employee. They hired TResch in an attempt to avoid a failure to hire age discrimination complaint.

26. Rivers fired TResch in retaliation for saying he was going to file an EEOC complaint for age discrimination and also due to his age.

27. TResch has suffered, is now suffering and will continue to suffer emotional distress, loss of earnings capacity, loss of earnings in the past and in the future, reputation damage, embarrassment, humiliation, inconvenience, mental anguish, and other nonpecuniary losses as a direct result of Rivers' unlawful conduct.

V. **CLAIMS**

COUNT I –Retaliation (ADEA and PHRA)

28. Paragraphs 1-27 are incorporated by reference as if fully set forth herein.

29. The acts, failures to act, practices and policies of Rivers set forth above constitute retaliation in violation of the ADEA and PHRA.

WHEREFORE, TResch respectfully demands judgment in his favor and against Rivers for compensatory damages (under the PHRA only) for emotional distress, loss of earnings capacity, mental anguish, humiliation and embarrassment, back pay, reinstatement or front pay, liquidated damages (under the ADEA only), interest, negative tax consequence damages, attorney's fees plus costs, declaratory relief that the conduct engaged in by Rivers violated TResch's civil rights, equitable/injunctive relief directing Rivers to cease any and all unlawful retaliation against their employees and such other relief as the Court deems proper.

COUNT II – Age Discrimination (ADEA and PHRA)

30. Paragraphs 1-27 are incorporated by reference as if fully set forth herein.

31. The acts, failures to act, practices and policies of Rivers set forth above constitute age discrimination in violation of the ADEA and PHRA.

WHEREFORE, TResch respectfully demands judgment in his favor and against Rivers for compensatory damages (under the PHRA only) for emotional distress, loss of earnings capacity, mental anguish, humiliation and embarrassment, back pay, reinstatement or front pay, liquidated damages (under the ADEA only), interest, negative tax consequence damages, attorney's fees plus costs, declaratory relief that the conduct engaged in by Rivers violated TResch's civil rights, equitable/injunctive relief directing Rivers to cease any and all unlawful retaliation against their employees and such other relief as the Court deems proper.

Respectfully submitted,

By: /s/ Scott M. Pollins
Scott M. Pollins - Pa. Atty. Id. No. 76334
Pollins Law
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Wayne, PA 19087
(610) 896-9909 (phone)/(610) 896-9910 (fax)
scott@pollinslaw.com (email)

Attorney for Plaintiff, Thomas S. Resch

Date: 1/6/21